

**STATE HISTORICAL RESOURCES COMMISSION
DEPARTMENT OF PARKS AND RECREATION**

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**Committee Meeting of the
STATE HISTORICAL RESOURCES COMMISSION
CONCERNING THE
YUOK PROPOSAL TO BECOME AN INFORMATION CENTER
OF THE
CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM

TESTIMONY OF NATIVE AMERICAN TRIBES**

**Board of Supervisors' Chambers,
Humboldt County Courthouse
825 5th St.
Eureka, California
January 28, 1999**

MINUTES

COMMISSIONERS PRESENT

Sue F. Schechter, Chairperson
Robert L. Hoover, Ph.D.
Russell L. Kaldenberg

STAFF PRESENT

Bill Seidel, Staff Archeologist
Natalie Thompson, Recording Secretary

OTHER EXPERTISE PRESENT

Leigh Jordan, Coordinator, Northwest Information Center
Thomas Gates, PhD., Historic Preservation Officer of the Yurok Tribe

VISITORS REGISTERED/REPRESENTING

(Attachment A)

CALL TO ORDER

Legal notice having been duly given, the State Historical Resources Commission meeting was called to order at 10:00 a.m. by Chairperson Schechter.

INTRODUCTION OF COMMISSIONERS AND STAFF

Chairperson Schechter asked all Commissioners and staff present to introduce themselves.

WELCOME

Sue briefly described the purpose of this meeting: This committee meeting of the State Historical Resources Commission is meeting today to receive testimony of Native American tribal groups concerning the Yurok proposal to become an Information Center of the California Historical Resources Information System. I want to welcome all of you that have come because I know that a lot of you have come a long way to come today. And we welcome you. And we also want to, on behalf of the commission, to thank the City of Humboldt and all of those who have made the arrangements. I want to outline the way we are going to be doing this today. We are going to stay right with the agenda, and I will be going right down the roll call. The first speaker is going to be Bill Seidel who is the coordinator of the CHRIS system.

BACKGROUND

Bill Seidel: gave a presentation on the California Historical Resources Information System (CHRIS). (Attachment B)

Bill Seidel: gave a presentation on the use of the digital technologies of storage, retrieval and communication of Historical Resource Information (Attachment C).

Dr. Thomas Gates gave a presentation on the Yurok Proposal to become an Information Center of the California Historical Resources Information System (Attachment D).

TESTIMONY - Tribal Groups of Humboldt and Del Norte Counties by Invitation

Big Lagoon Rancheria - No one in attendance. No letter received.

Blue Lake Rancheria - Letter presented. (Attachment E) *Summary: Qualified support for Yurok Proposal. Concern expressed about Internet.*

Sue Schechter: Can you clarify that the concern that they have?

Bill Seidel: The state is not in violation of any state or federal laws at this time, nor do we plan on being so, nor will this information be available to the public in CD-ROM or over the internet.

Elk Valley Rancheria -

Frank Portillo: Our council has voted unanimously not to support any efforts to put any archeological sites on CD-ROM or the internet for Elk Valley Rancheria. Although we

oppose that kind of action in our area we recognize the Yurok tribes right to do that themselves in their own area.

Hoop Valley Tribe - One Letter was received by FAX on the day of the hearing (Attachment F).

Sue Schechter: Is Mr. Merv George, Jr., the chairman of the Hoopa Valley Tribal Council, present.

Carol Cunha: Merv George could not make it today. I am taking his place. My name is Carol Cunha. I am representing the Hoopa Valley Tribe, I do sit on the council. Our position is, on behalf of the tribe and council, we strongly oppose this. We do not feel that we would become in any agreement with Mr. Gates or the Yurok Tribe. We strongly oppose anything going out on CD to be employed (sic) over the internet. If the Yurok tribe wishes to continue to go on in their territory that is fine. I do have another few guest speakers I have brought out to represent the tribe.

Bob Ulibarri: Good morning commissioners. My name is Robert Ulibarri. I am the senior environmental planner for the Hoopa Valley Tribe, I am a member of the American Institute of Certified Planners, and meet the National Park Service professional requirements as a historical preservation planner. As such I have been developing the Hoopa Valley Tribe's historic preservation plan for the last two years. The purpose of our project in Hoopa is to establish a Hoopa Tribal Historic Preservation Program pursuant to the Historic Preservation Act amendments of 1992. Specifically the Hoopa Valley Tribe intends to assume all functions of a SHPO through the development of a tribal preservation ordinance and program. And the submission of that program to the National Park Service for approval. Because the Hoopa Valley tribe is currently in the process of assuming the responsibilities of SHPO on Hoopa tribal lands, we take exception to the notion that the Yurok Tribe would be considered to possess our information on the California Historical Resources Information System. Our concerns are based on the following: The federal and state government has a unique relationship with Indian tribes that sets forth in the constitution of the United States treaties, statutes, and court decisions, consultations with a tribe should be conducted in a sensitive manner respectful of tribal sovereignty. This committee meeting we are currently attending was not done in that spirit. The Hoopa Valley tribe was notified of this meeting just recently and we have not had the opportunity to review the CHRIS digital technology proposal as well as the Yurok Tribes proposal adequately. Hoopa Valley tribe is the largest tribal land base in California and we are proud to be one of the success stories in respect to natural resource management in Indian country. During the past twenty years the tribe has invested over one million dollars in documenting archeological and historical sites on the Hoopa Valley Indian Reservation. At this time 70% or approximately 70,000 acres of the Hoopa Valley Reservation has been surveyed by qualified archeologists. We have established a geographic information system that is technologically more advanced than that that is deposited by CHRIS and of the Yurok tribe. Our historic resource information system is already inventoried on CD-ROM for use only by qualified tribal personnel. We are not willing to provide that information to the Yurok tribe, the general public or CHRIS without the express written consent of the Hoopa Valley Tribe. The Hoopa Valley Tribe also goes on record as supporting the conclusion of the Mendocino County Tribal Repatriation Project that the proposed action is in violation of California Government Code Section 62254.10. It should be noted that the Hoopa Tribe is the only tribe in California that has been deemed a public agency under the California Government Code, under subdivision B of Section 65101. The California Legislature declared that the unique circumstances of the Hoopa Tribe necessitated this special law. The Yurok Tribe does not enjoy this circumstance, it should not be legally authorized to be considered an information center on behalf of the Hoopa Valley Tribe, or any other tribe that does not want to participate. In summation the Hoopa Valley Tribe not only opposes the use of digital technology by CHRIS in general, but are opposed to the

proposal of the Yurok Tribe to be considered to be an Information Center for the California Historical Resources Information System. Ladies and Gentlemen thank you.

Sherlette Colgrove: Good morning, I am Sherlette Colgrove and I am a member of the Hoopa Valley Tribe. The reason I came out, I am opposing this however I did read a rough draft of it this morning and whatever the Yurok do, that would be their decision however the Hoopa Valley Tribe has been in litigation with the Yurok tribe and the Karuk tribe so it would be very hard for our tribe to intervene with any kind of proposal or anything do to this. We as far as our territorial bounds, I reviewed the map that was proposed and it was really upsetting some of our elders because they have a Yurok boundary line running right in the middle of our reservation. So that kind of started an uproar yesterday afternoon. So we really oppose this. Thank you.

Karuk Tribe of California -

Crow Munk: Mr. Johnson and our tribal council is not available today. My name is Crow Munk. I am the self-governance director for the Karuk tribe and was sent here by the tribal council. I think in many regards Mr. Ulibarri and the Hoopas expressed the sentiments that we heard from our council. We had a special council meeting. We are concerned, one, because we feel we also have a GIS system, we have a global positioning system. We have had professionals out there on our sites mapping them. We also have them on CD-ROM. It is a difficult situation for us because we have to respect the sovereignty of all other tribes, and that includes the Yurok's right to do what they want with their records. We have to take exception though to the states idea, I am trying to think of the wording that it was expressed to me by a state representative, but it had to do with standardizing these records and putting them on CD-ROM and then going on the internet. I think that is a travesty. We up in Karuk country have had two instances of grave robbers we have prosecuted as felonies. Those people came there with maps and information they got from public sources. One of them from a federal source and the actually traced back to Sonoma State, where the information came from. Now the state here says they are not in violation of any law with regard to these records I think sometimes there is a difference between statute law and moral responsibility and doing the right thing. In a perfect world if we had our way, those records for each area from each of the tribes here in California would be transferred back to the tribe and it would be their responsibility to maintain those records. It would also be their responsibility to screen and make sure of the validity and necessity of sharing that information with any group. I can't comment too much more at this point in time. One, because as the last speaker said there is pending litigation going on involved Yurok, Hoopa, and Karuk. And two because we have a meeting set up next month with the Yurok council and the Karuk council and Mr. Gates to answer some of the questions and concerns that we have on an individual basis. It is our intention though to go forward and develop our own information center. And our preference would be that those records currently stored at Sonoma State, or anywhere else, that have to do with Karuk be returned to Karuk, and we will make the determination about who has access to it. I think that is all we have to say. Thank you.

Resighini Rancheria -

Kenneth Jones: I have a letter of authorization here to represent the tribe (Attachment G). I am Kenneth Jones and I am the outgoing incumbent vice chair, I have been the chairman and a council member for many years. Anyway we share the same concerns as the Karuk that the council voted for that we didn't want out on CD-ROM and to the public, because there are too many unscrupulous people out there that don't view the sites sacred as we do. Whether they are artifact hunters/grave robbers whatever, but that is our feeling, so we are against it also. Thank you.

Sue Schechter: Could you speak about the Yurok proposal, because there are two different issues here and we really are taking testimony first and foremost about the Yurok proposal.

Kenneth Jones: Yeah, well they were opposed to that.

Bear River Band of the Rohnerville Rancheria - No one in attendance. No letter received.

Smith River Rancheria -

Marjorie Trudgen: Mr. Richards is unable to attend. I am Marjorie Trudgen, tribal administrator of the Smith River Rancheria, representing the tribal council and our membership. When we first talked to Dr. Gates we gave them support by resolution which they have since rescinded. We are opposed to this in both aspects. We do not want to see our sites on CD, we do not want to see them on the internet. There are too many hackers out there and even if you try and put a safety valve on it I am afraid that they would get through. And so we are opposed to this.

Sue Schechter: How do feel about the Yurok going ahead and becoming the North Coastal?

Marjorie Trudgen: We feel they have a right to do it for their own tribe but we question doing it for others.

Table Bluff Rancheria -

Scott Aikin: Ms. Seidner was unable to make it today. My name is Scott Aikin, I am the EPA director for the Table Bluff Reservation. And I have been working closely with Tom on this for the past six to eight months, we have been discussing this at length because the Wiyot tribe has a question, certainly with relation to ancestral territory for the Wiyot reservation. I am essentially the acting cultural resource manager, with the multiple hats that I wear for the Wiyot tribe. We are a small tribe, we have a small office staff, that carry on many multiple duties. In discussing this issue I think there are two main concerns that come out in my mind, and hearing the speakers speak eloquently on some of those issues I think that I want to address those two questions that come out in my mind. That is first off, the CD-ROM and internet question. I think that that is a good question to bring up. How will that be protected. We are in support provided that provides a better protection than the current system. And the current system, in my understanding, the way people, planners and project developers obtain site information is that they make a formal request to the SHPO office, to the CHRIS system. They receive that information by way of hard copy in a fax form. That is equally as dangerous an item as having a CD-ROM or having that access on the internet. The difference is that there are, there is the potential to put password protection on CD-ROM and internet sites. But that hasn't been proven through this process and I think that need. There are valid questions on that and I support the fact that these questions were brought up. The second question that I want to address is the fact of whether or not we feel comfortable with the Yurok tribe becoming an information center. The Wiyot tribe sits on a parcel of land that is 88 acres in size, within aboriginal territory. Our aboriginal territory covers the majority of the Humboldt Bay Area and we have no current control whatsoever of the sites and the site records on that. This is a unique opportunity, I believe nationwide, not only within the State of California, for tribes that have the inability to control site information on aboriginal territory, to gain some control provided that there is mutual agreement from those tribes that are participating in that area. And what Tom and I have talked at length, and what he has presented to our council several times, is that we are going to be assured to have the ability to go onto memorandum of agreements with the information center should that come into effect. And we will be able to have that control which we lack currently to protect those sites. And I think that that has been

something that he has stressed all along. I know that there are other issues beyond this that other tribes are dealing with, and I appreciate that. From our perspective, from the Wiyot tribe, we feel as though this is an opportunity for us as a small tribe with the inability to manage aboriginal territorial lands, to manage those lands. We have a CD-ROM system on the reservation currently. I have a GIS program, I am fluent in GIS. On 88 acres it is hard to state, or hard to push for THPO status on an 88 acre parcel of land. And so therefore it becomes incumbent upon us to try to seek protection of that aboriginal territory. I think this is a possible solution if not an initial attempt for tribes such as ourselves to move off the reservation boundaries that we have been delineated on, and seek protection of those sights in aboriginal territories. So in defense of what Mr. Gates is proposing here I want to stress that I think that if tribes adamantly oppose this and this were to fail, then what alternative do we have to protect aboriginal territorial sites. Thank you.

Trinidad Rancheria - No one in attendance. No letter received

Tsnungwe Tribe -

Bob Benson: I'm Bob Benson and I met with the Tsnungwe Elders Council, in a special meeting to discuss this and other issues. I am on the Elders Council. We have been kind of taking care of our own problems with sites in our area, Willow Creek/Salyer/Burnt Ranch. My brother is a tribal member, he is a licensed archeologist, so we can kind of deal with these things in house as well as we can. The concern that was discussed by the elders on Sunday was how such a Yurok bureaucracy would function with communicating with a small tribe like we are. What kind of contact person? Could there be adequate communication, adequate notification? That is the sort of thing that would have to be spelled out I think. We feel that we couldn't support this unless there was some sort of good faith language very clearly stated at the onset here on just how communication would take place. We certainly recognize self-determination of any other tribe to handle something as sensitive as site records and so on anyway they wanted to.

Sue Schechter: How do you feel about the Yurok forming the North Coast Information Center? Is it based on this communication?

Bob Benson: Right. I don't know, I mean I haven't read through that green pamphlet, and if I did I don't know how much I would really be able to grasp, but there hasn't been the greatest history in Humboldt and Trinity counties of tribes looking out for each other. So I guess this would be a ground breaking operation here. Theoretically that is what we are being asked here to consider. So, I guess the question we all had was how would that work. How could a large umbrella organization that isn't even in neighboring territory function with a small unrecognized tribe such as the Tsnungwe Tribe. How would the communication occur? I mean the communication isn't very good now about most things like this. And so I am sure, I mean I talked to Mr. Seidel on the phone earlier this week and he said this proposal contains structural elements of the MOU between a tribe or between an individual and that could be put in place and so on. And this sounds like any other kind of relationship between a tribe and another entity. We deal with the Forest Service all of the time and it is a nightmare. I mean we end up with a lawyer in the room to have to pound out agreements about logging and roads and things like that. The approach of the Forest Service is well we will just do it until we are stopped. So if that is the type of experience that we have been having, then we are a little leary about this. I guess that is the one thing that would help to make our tribe think that this could work .

Tolowa Nation - Letter (Attachment H)

Charlene Storr: I am Charlene Storr, currently Tribal Secretary, past Tribal Chair. We didn't have a chance to get together and to meet on this, but I just want to make a couple of comments before I get to the letter, and I have the letter plus some copies. To Mr. Seidel's earlier comment about

horse and buggies and having to change progress and all of this stuff. I believe of Amish are still operating with the horse and buggy fine. So we don't need this change always. And the Tolowa Nation did send a letter to the Yurok in support of them becoming an information center, operating the way Sonoma State is now. We have not dealt with it, so we hope to deal with it. We are an unrecognized tribe. We have no objection to the Yurok tribe doing what they want with their ancestral territories or their current reservation. The letter I wrote, I wasn't able to get a hold of the tribal chair to confirm this so far as I know this is what we have dealt with in the past.

Yurok Tribe -

Tom Gates: She is not here and I will speak in her behalf. And I will do that by just responding to some general observations. I have three items that I would like to generally respond to.

The first item I think that was best expressed by Mr. Benson, that is the use of communication. In terms of if and when a Yurok Information Center is set up for two counties, we look to that MOU process for establishing the specifics of how that communication will happen as the Yurok tribe goes forward with the other partnering tribes to run an information center. So we would look to that MOU to define who that point person is, how the contact was made, what the involvement of the partnering tribe is with the Yurok run information center, and how the handling of site records will happen. What will be provided to what professionals at what levels. And of course a lot of that discussion is also in part guided by this procedural manual which we will also have to endorse as we go forward. But I think that there are areas of this procedural manual, particularly when it comes to Native American issues that is not quite up to date. And so I think that as we forge these agreements we will also forging the ideas by which the procedural manual will be amended. And it will come out of this corner of California. So I think that communication, if or when this happens, would happen through that forum first, and then it becomes a matter of implementing those agreements. You're quite right Mr. Benson that agreements as they try to be negotiated and implemented become beasts of their own. You're right. I have seen agreement of negotiations where two lawyers sit there and haggle over the details and the tribes pay a lot of money to make those agreements work. I personally don't anticipate that type of negotiation, but I have to agree that that can happen to a degree, but I don't anticipate it here. In terms of communication in terms of the state on this proposal, I think the Yurok tribe can demonstrate with all of the tribes that are providing testimony from these two tribes that we have put out the letters, we have held meetings, we have written letters inviting you to discuss this. We have called and said we would come to you councils and discuss this. And I think we have gone a good deal of that. And I have files that can demonstrate that these letters have gone out, and that these phone calls have been made. We have attempted to communicate as best we can. Within the beauracracy of the Yurok Tribe, the business that my office entails. But I think that we have made a good effort to communicate and to get this information out, and to discuss this freely with all the tribes in this two county area. I think we have done our side of that attempt to communicate.

The next issue that I want to address is concern with internet/CD-ROMs. I would agree with Mr. Scott Aikin of Table Bluff that there are some concerns that I would also want to quickly point out that the system as it sits now, is not entirely safe and secure. It is the case that people can call and there are agreements where faxes can be sent out, and site records are faxed. And if for example I am a forester or if I know of a foresters professional number, their license number, and I have the phone fax number, then I call up and I can probably bamboozle any information center if I have got the right words and the right abilities to communicate, I can probably convince the information center to send a site record to a fax number. I could possibly do that, just like there are hackers out there that could probably invade internet systems. I think the hard copy system that is currently in place, it works, but it can also be infiltrated and broken down. And anywhere where there is a system where there is something value there will be people out there that will attempt to undermine that. That happens with banks, as long as there are banks, there will be

bank robbers. That is no different than the idea of going electronic with the State. I believe there is certainly concerns for internet use and CD-ROMs. I think however that neither of those things currently are happening, I think that to the extent that those are discussions and ideas of how a statewide system could happen, I think that those are issues that you need to bring up with the commission and with the SHPO's office and particularly with Mr. Seidel. That is his business. I would hate to see that the Yurok's proposal gets confused with that other concern, while it is a real concern, and it is a concern of the Yurok tribe. We want to set up a system that which, however that finally happens, there is a safest protection for this site information. The Yurok tribe also understands that information exchange has to happen in order to protect sites. And whether that is hard copy through fax machines or through letters, through internet, we want to ensure that the best protection is realized. But I think, again these are questions to ask Mr. Seidel, but I think things like use of internet, I think that it is valuable to make a distinction between internet and intranet, which is a restricted access of the internet. I think that that is something to pay attention to. I think it is specifically important to understand the discussion about CD-ROMs, exactly what is being talked about with CD-ROMS. Is it that all site records are going to go on CD-ROMs to be sold to the highest bidder? Sometimes that goes out that way but to my knowledge, while it is not part of the Yurok tribe's proposal, but to my knowledge I do not think that is what is being discussed. I would ask that you put that question to Mr. Seidel instead of the Yurok tribe. If you look at the Yurok tribe proposal there is no mention of internet or CD-ROM. I think this meeting is, about the Yurok Proposal. And that is, if there is disagreement for the Yurok Proposal, so be it, and state that loud and clear, that is what this is for. That is what this meeting is for and we understand that. Like I said, we have alternative options which involve just the Yurok Tribe and the reservation. If that's the way it happen so be it, because the Yurok Tribe will probably turn around and discuss with the state what they can do in ancestral territory to avoid the inter-tribal conflicts that we anticipated when this was first put to us that we could do it for two counties. But don't confuse that with internet and CD-ROM. I agree that there are concerns.

The last thing that I want to mention is that indeed, there is litigation between tribes, and there is haggling over boundaries and issues. That is there and will continue to be there I suppose. From my point of view that is unfortunate that those things interfere with this, but I also understand that clearly that may be the course of events. Its unfortunate that the Yurok, the Hoopa, and the Karuk are in litigation, but that's the fact. I understand that and if there are possibilities of ways of implementing an information center where tribes can work together on that initiative and force that project from the litigation, then that would be a great way to see that that happens. But I understand that those litigations are rather serious, much larger issues, so I understand that they may take precedent over this specific initiative. But I encourage those tribes to see through that to a way where it is possible that the information center and a partnership could occur. That is what I have to say.

BACKGROUND (Continued)

Leigh Jordan was asked to give a presentation on Access to information at the Northwest Information Center Attachment I.

TESTIMONY - Tribal Groups outside of Humboldt and Del Norte Counties

Cecilia Silvas: I'm Cecilia Silvas. I'm cultural resource person for the Illmawi band, Pit River Nation. I'm here to represent the Pit Rivers Nation in this issue. We were just made aware of this not long ago, just last week as a matter of fact, and we were highly insulted about another atrocity perpetrated on us by the existing system, and we are upset by all of this. And we think that, who was it, the Yurok people that offered to take over Northern California, I would trust my own people

first. They're my people. I'm from the Pit River Nation and I'm a full blood. But these people around here, all these brown people are my people. And I feel the atrocities that have been perpetrated on them not just today, not just by California, but the whole United States government. And now you, whoever is, who is doing this? The CD-ROMs and everything, who is doing it? The state of California? Is this just another one of old what's her name's things against the Indians of California? I think this is an insult. But I will tell you something. I have been working in this field a lot of years. We have had cultural resource monitors that are trained, we can do almost anything, we do reburials, we go out, we handle all of these things, we tell you what could be done with them, and everything. And if we were not doing our own, I would go with these people to do this. But I think they need a lot more training, what they need in their places are cultural resource monitors, to see, just like I told you, to see that those Forest Service and all of them, are not picking these things up. If they've been there for five thousand years who is going to steal them tomorrow. You know things like this, I don't agree with it. I feel like that was a criminal act against my people, for the forestry to pick up anything without a native, cultural resource monitor there. And in our center, our information center, we want to have all of our own information and we will decide who looks at the map, when they look at them and why. And we do have a lot of maps of our area, we have thousands of acres up there but we claim a hundred square miles, because America never showed us our terms of surrender yet. So we claim our hundred square miles up there. We look into all of the resources, and (incorporate old lands?) is who we attack to force them into having a survey done on that land prior to sale of the individual. So that we will have all of this information. We are doing a lot of things up in my area. Stabilization and revegetation is one of them. We learned that because we were doing a project that had a lot of burials, a lot of artifacts, and there was a professor in Mississippi that thought that he might have the answer that would pacify me, because I can get pretty rough out there in the wind and the rain. We learned this form of stabilization and revegetation for a lot of these areas. This can be utilized in a lot of places. If people would even pay attention, we are in conjunction, we are working now with the forest service to have them put into the budget. Put us into the budget and we will take care of a lot of these things for you. You don't have to do this. They are not archeological sites to us. We are very sensitive to this issue. They are home sites, village sites, sacred prayer sites, and they are burial sites. No different than where your mama is buried. No different from where your mama is buried, or your daddy, or someone you love, your sons your daughters. It is no different to us, and it is sacred. It is their resting place.

That California proposes to do. That's none of their business. That's our business. Each and every tribe's business. But I think the tribe that offered, that if I was a little tribe and I didn't have any place else to go with my business, I would take it to them. But I would certainly not go along with the State of California. Because through the years all of the atrocities perpetrated against me and mine since the Europeans arrived here. It has to stop someplace....

I see archeologists in direct opposition of indigenous people. You would give an archeologist a map but you would not give me a map.

Leigh Jordan: That is not quite true. I would give you a map, there are ways, there is a way in the information procedural manual to handle that. If you came in and requested the map and wanted to know about sites. But in the same way for a project. So in the same way that when an archeologist comes in I'm only giving them information about a project, and I'm not giving them everything in our system about say Humboldt County, I could do the same for you. The Gitigow (?) Rancheria for example came and said we are going to start doing timber harvest plan reviews. And I said fine, if you want to know about the archeological sites we already respond to the California Department of Forestry about archeological sites, but if you also want to know, you just send me the project area and I will send you the information.

Cecilia Silvas: Does your office also keep records of the removal of indigenous artifacts? The removal and what they do with them, the placing of these artifacts? ...A federal archeologist and they remove things that without the benefit of an indigenous monitor there. And without benefit of us knowing where these objects went. Do you keep track of these things?

Leigh Jordan: Yes, if I am understanding you correctly, yes. That would be considered an excavation.

Cecilia Silvas: This is the California office. Okay then all I have to do is to run down there and find out what happened to all of the stuff that the federal archeologists took off the property. All of the artifacts. It wasn't just a prayer ring that he took, he took a lot more than that. And I can find out from your office where that went.

Bill Seidel: The information center would only have that information if the federal archeologist turned a report in to them.

Cecilia Silvas: From now on I think all of the indigenous people, all the nations should get that information from you people. Because you people evidently are not taking very good care of our indigenous belongings here. I don't see any of you out there making arrowheads. I don't see you out there grinding your acorn in a bowl. I don't see all these things. And yet you guys have control of possessions that aren't yours. And you can control them to the point of giving them to an archeologist, that is just another white person to me, and rather than to me, who is an indigenous person. Whether or not I have a piece of paper that says that I am qualified to look at these things or to pick them up.

Leigh Jordan: We don't have the things. We don't, our office does not have any arrowheads, or any mortars, or any of the things that...

Cecilia Silvas: But you have the maps to all of these things. Well that is what I want from your office too. I don't want you to have the maps, I don't want you to have the mortars, I don't want you to have anything that belongs to me or mine. We were here five thousand years ago and we are still here, the same people, and we don't need you to take of it.

Bob Hoover: I have a question of Tom. I have heard from several people that have spoke today that their groups are interested in forming their own THPO, and the Hoopa that has a big land base, that doesn't seem unreasonable but I hear it also from reservations that have a very small land base. How expensive is it and what are the requirements for having a THPO, your own Tribal Preservation Office?

Tom Gates: A THPO office, in order to set that up you apply to the park service. There are guidelines, you have to spell out what responsibilities you want to take over, and you also have to explain how you are going to implement those responsibilities. Then the Park Service either approves, rejects, or asks for further clarification.

Bob Hoover: In the case of the Yurok, how much did it cost them to have the THPO?

Tom Gates: It probably cost us tens of thousands of dollars actually to put the application together, if you were to track all of the staff time and preliminary work it took to put it all together and the research that. And the types of programs that you have to implement and put into place in order to have the application accepted. Once implemented there are small monies that the Park Service provides you to run your office. And they're not adequate for the responsibilities that you take on. In order for the Yurok to continue to run a THPO program we have gone out and got other grants and had to subsidize our THPO program through these other grants. We probably

receive only 1/10 of our funding to run our THPO office through the Park Service. That would depend on different tribes and the size of their lands etc. But that THPO status is only for your reservation lands.

Bob Hoover: You are the only one in California with this?

Tom Gates: At this time, yes.

Scott Aikin: I think that the question that Cecilia brings up here is a good one in regards to when a federal archeologist does an excavation on a site that record, would that not come back to the SHPOs office as a site change? And if they so seek to find out where that information is at, they can seek that through the SHPOs office to at least contact that archeologist.

Bill Seidel: Not necessarily. The California Historical Resource Information System is a cooperative system. The only law that is involved says that the State Historic Resources Commission shall maintain an inventory. That is the only law. There is no law that says archeologists need to turn records into this system, there is no law that says that this system needs to provide information out to other people. Within this area the Six Rivers National Forest has stopped sending records into Sonoma about ten years ago. So for ten years CHRIS this system has no record of what is going on in the Six Rivers National Forest. Following an excavation of a site, or removal of artifacts, that archeologist is under no legal constraint to turn in a record of that occurrence. The only legal handle that our system has, is that if someone comes in, they do a record search they find out if there is anything known in the area, they sign an agreement that they will turn in back to the information center any reports that evolved out of that. That is the only source of legal information that is binding on a person.

Bob Hoover: While they are doing that I have a question of Tom a quick one. I have heard from several people that have spoke today that their groups are interested in forming their own THPO, and the Hoopa that has a big land base, that doesn't seem unreasonable but I hear it also from reservations that have a very small land base. How expensive is it and what are the requirements for having a THPO, your own Tribal Preservation Office?

Tom Gates: A THPO office, in order to set that up you apply to the park service. There are guidelines, you have to spell out what responsibilities you want to take over, and you also have to explain how you are going to implement those responsibilities. Then the Park Service either approves, rejects, or asks for further clarification.

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Cecilia Silvas: I would call the Secretary of the Interior. Because a lot of the time, over here you are not going to get any answers. You have to have some compacts back there in Washington D.C. Now we have the Chipawas back there setting their lobbying and all that. We are going to have contacts back there. Those are our brothers and sisters too.

Scott Aikin: Is that because CHRIS is an arm of the National Park Service. And they have a connection to the National Park Inventory System, isn't that correct?

Bill Seidel: In a matter of speaking right.

Scott Aikin: That's why I find a connection that seemed logical to have. If that is not there, then that is a definite hole.

Priscilla Hunter: I want to thank you, if that is appropriate, the reason of having this meeting here today with the tribes comes from our requesting to have consultations with the tribes. It is sad that this type of hearing didn't happen before the proposal went in, or however it was submitted. Because then we wouldn't have to go into all of this. That is why we have got stated that you need to have tribal consultation, government to government, and I'm not sure yet if this is truly government to government here but at least it has given tribes opportunities to come in and put forth their concerns. But I still feel that a letter needs to go to a tribe and say we would like to meet with you and so on to discuss this type of proposal coming in and what is going to affect the Indian tribes in all areas of California statewide. I've been concerned because I talked to several tribes up in this area and they did support the Yuroks but they were not completely aware of what the proposal contained. And it seemed like, and what I am really concerned about here, is that it seems

that at every meeting we go to it changes. At every meeting we go to with this commission it changes. When they are making their presentations, Bill states now, it has changed again. I am confused. And it makes it look like, when we are sending things out saying it is going to be on the internet on the CD-ROM, and it makes us look like we don't know what we are talking about. And it has been stated over and over. And even in the summary that we picked up at the Fresno meeting from the Yuroks regarding the CHRIS the internet. So for that to come across to the people here that there was no intent you know unless I am hearing wrong that I am wondering what the heck is going on here. I feel that, and I know that other tribes, we have put letters of intent or support for other tribes for issues, and by going through this process here I am really concerned that, to make sure that before we do any letters of intent, support, that we get the final full proposal. What is in it, what is it for? And not piecemeal and not changing at every commission meeting that I go to. I mean because the letters of support, people are, the tribes that have given letters of support did not know about these issues. So I would recommend to other tribes and to the commission that there be a full proposal here. Full proposal and not piecemeal. And changing it, if its changed then it needs to go back to the tribes that support. Otherwise it is false information that we are giving to other tribes. Whether they support the internet, whether they support, I mean I understand the... And from my understanding the Yuroks are still thinking about doing intranet, whatever that is. I mean what is the difference between internet and intranet. That is still internet. And the tribes should know that that is what is going to happen. That is what whoever is going to do this, they are thinking about doing that. The tribe should be told that this is what they are going to do. They should be shown a complete proposal before they officially approve. This way it saves you time, heartache, and not looking bad by other Indian tribes thinking what the heck are you guys doing? We were told at first that it was just going to be for up here, for the Yuroks. Then we were informed at another meeting that it has to be a state policy. And that is when we said wait a minute. We knew that that was going to happen. You know the one time the government could say, I am not putting you down or anything, this has been happening to Indian people forever, and is still happening. One moment we are saying oh we are just going to do it this way and that is it, the next minute it gets further and further. It ends up...

Sue Schechter: I'm sorry I am going to have to limit you because we do have to hear from the other two. But I hear what you are saying and that is that you want to have a clearer idea of what is being proposed by the North Coastal, and by the Yurok.

Priscilla Hunter: Yes, because what I am saying is that with the ten tribes of Mendocino County, they have opposed it. And they have said that they support the Yuroks however by hearing all of these different meetings and proposals and what have you, I cannot as a chair say that we support the Yuroks. Because I don't know the final proposal. And it is becoming too frustrating and too confusing, and before our tribe can support anything I have to see the final proposal. And that is, no more changes, before I support something. Thank you.

Sue Schechter: Thank you. Carmen Christy.

Carmen Christy: My name is Carmen Christy and I am a delegate for the Yokayo Tribe which is in the Mendocino County Consortium. And I want to go on the record opposing our gravesites, any gravesites of California Indians being put on CD-ROM or the internet. And I also want you to know that when we bury our people I don't care if it is a hundred

years from now, five hundred years from now, we don't bury them so some archeologist or someone can come in there and learn something. We are burying them because that is what the law, before the gold rush we burned our people, and maybe that was better, because we wouldn't have the problem that we have now. But your ancestors made us bury our people. Now we are having to deal with this. And we don't like you getting into our graves, or having anything of ours.

Bob Hoover: A question, how do you feel about the Yurok managing an information center up here?

Carmen Christy: Well as long as it doesn't set a precedent that our people are going to have to be under.

Sue Schechter: Pauline Girvin-Montoya.

Pauline Girvin-Montoya: It is my pleasure to address you once again. I feel I have to hop through the state to all these hearings to stay on top of what is going on. I agree with Priscilla that we are told one thing at one meeting, and one at another. Starting with Bill Seidel's presentation over a year ago at the Heritage Commission where he did bring in a CD-ROM model and he did talk of the internet for all of the archeological sites that are in the Mojave Desert. So I would like the record to reflect that when you heard that there is no internet, there is no CD-ROM, that directly contradicts prior public testimony statements made by Bill Seidel. I would also like to reference the summary of the Yurok Proposal that was passed out at your Modesto meeting. To quote directly from that summary as follows: This proposal defines and describes the Historic Resource Inventory Information on Yurok Tribal Lands, identifies Traditional Cultural Properties located on Yurok Ancestral Lands and other Native American lands throughout the bi-county area, and discusses how tribal information can be integrated into the CHRIS system. The CHRIS system is Mr. Seidel's project. This proposal, I quote again, acknowledges the need to participate as a partner in the statewide electronic system. So I think that is clear, unless that has changed, since the last meeting. It was the intent of the Yurok Tribe to participate in an electronic data storage system that is currently in its taste model pilot phases under your Department of Defense contracts and FEMA contracts. So I just want, I think that there were erroneous, and perhaps misleading statements made earlier. I once again presenting into the record nine tribal chairs from Mendocino's opposition to the CHRIS electronic data storage access and retrieval system as we have heard it discussed by Bill Seidel to date.

(Attachment J) At your Modesto meeting the commissioners made it very clear that there has to be a uniform state wide policy pertaining to information recording and access in the palm of CHRIS Regional Information Systems. We are alarmed that the precedent that will be established by the Yurok's acceptance of the proposed CHRIS Internet/CD-ROM system will make the state more willing to foist this system on other tribes in California regarding how Native American archeological sites in their ancestral territories will be recorded. If the Yurok tribe chooses for itself to place precise GIS grid locations of sites in their tribal and ancestral territory onto the intranet or internet storage system or onto CD-ROMs we have always stated that this is their sovereign choice. However, we object to their willingness to initiate an electronic information storage system for all of the archeological site in Humboldt and Del Norte Counties currently identified in the files of the Northwest information Center as a part of Bill Seidel's proposed CHRIS system. We feel would therefore add further legitimacy to a process of electronic data storage and access

that other tribe in California believe will have a disastrous impact on the sanctity and security of Native American burial grounds throughout the state. By the way, according to what I heard presented about the CD-ROM internet storage system for all of the Mojave Desert sites under the DOD contract, I believe that if he does go forward with the CD-ROM he did discuss before the Heritage Commission he is violating Section 4B from the current CHRIS policy. He had stated at that hearing that would put onto CD-ROM all of the sites in the Mojave Desert. Currently if a planner or developer goes to Leigh Davis' office, he cannot get information beyond a one mile radius of a project he is wanting to find information on, unless he gives some very compelling interest. So what Mr. Seidel is proposing is putting all of the sites onto CD-ROM and selling them. That is far beyond your current, it is in direct violation of your current access criteria. I wanted to thank Leigh Jordan, we have worked very well with our information center in our region. She invited me once we expressed concern among tribes, to attend a meeting of all of the directors of the CHRIS system. By the way, many of your own directors, are very dubious about your CHRIS system. I would say the vast majority. Anyway she did invite us to a meeting and on the wall Mr. Seidel had placed a flip chart with various agencies listed that he wanted to get the database from. We are not aware of the full extent of his plans. Is he dealing with BLM? Is he dealing with DOD? Is he dealing with various state and federal land managers and getting this data without consultation of any of the affected Indian nations into an electronic storage system. So we herein formally request to be informed of the full scope and compass of Mr. Seidel's plans. We would like to know if he is going beyond the data stored in Regional Information Centers to databases of other federal and state agencies in his proposal to store information pertaining to Native American archeological sites onto the Intranet and onto CD-ROMs. In my memorandum to you we have listed various state and federal laws that we believe have been ignored or violated. Those are laws of consultation...

Lunch Break

Sue Schechter: We are very concerned about our reaching out and being more inclusive. Bob Hoover just gave me a magazine last night of the *California Educator* which is talking about the group Indians and some of the programs going on now, and if we are really going to have people understanding one another we have to understand the cultures and appreciate the cultures and come to a more equal understanding. This is why your testimony is important for me personally to hear but for all of us because we can take this back to the other commissioners. And we do have planes to catch, and we do have other people who want to speak. Let's give Pauline another five minutes.

Pauline Girvin-Montoya: Thank you Madame Chair. I am also authorized, let's go back to Mendocino County here. Because I am authorized to speak for a couple of other entities here today as well. So I want to make it clear that we know that this project for the CHRIS is going to go on the intranet, not the internet. And we still object because we believe the intranet is as equally hackable into as the internet. So just to put that on the record, we are aware the phraseology should be referencing intranet. As I have set forth in my memorandum to you we believe that due to the federal involvement in the creation of your agency, the ability of the Secretary of the Interior to rewrite regulations at his, and holding of regulatory authority over your agency by the federal government, that you do indeed come into federal laws that require consultation with Indian nations prior to the development which may impede or in any way risk their cultural resources being looted or

pillaged which is our concern here today. So I have cited in my brief, in my memo, various sections of the law pertaining to government to government consultation which we do not feel were honored by Bill Seidel in his initiation of the DOD or FEMA contracts. Therefore we are specifically requesting, and we will have to probably have to draft this to the Secretary of the Interior himself, because he does have the authority under NEPA Section 16 USC Section 470A to suspend in whole or in part any contracts or cooperative agreements with the State Office of Historic Preservation. And we would like this power to be exercised by the Secretary of the Interior at this point to seize those portions of the FEMA and the DOD contract that pertain to listing onto CD-ROMS or onto the internet of archeological sites in the State of California that have been initiated under this contract. And I want to be very clear because not much has been forthcoming from Bill Seidel that I happened to see a map that was developed pursuant to a FEMA contract in the Monterey region, and these are very precise listings of the locals of archeological sites. Down to a 6 meter radius. At this point in time when you go to Leigh Jordan, you go to her office, you request one project plan. You have a plan, if you are a developer or a county planner and you go with that building that you are going to build in a discreet local and you are given information as to whether in that discrete local there are archeological sites that may be impacted. We prefer that system. We prefer, if you want to call it the horse and buggy method that was referenced to earlier, when we hear that you can't stop the movement of this electronic transformation, that is what Mr. Seidel keeps referencing. He also references our resources, well I don't know if these are the State of California's resources, they are just the inventory system, the resources themselves are the native tribes whose ancestors themselves are buried there. I would like to say that we would like to push to amend, even the current system to allow more tribal access. Currently if you are an elder, they are our scholars. They don't have PhDs, but they are the repositories of tradition, of oral tradition. They are equivalent to a PhD in the dominant culture's world. Currently a tribal scholar can only access summaries of the information. Whereas a student under the tutelage of a PhD from the dominant culture can get to very specific data, the field notes and everything. We hope to work with the CHRIS as we have indicated before, with the CHRIS subcommittee that manages these regulations and these policies. And we would like in that partnership and working together, if we could amend some of the current criteria to allow for more access for tribal scholars. That is an aside, that is just something I want to put into the record. So we also want to state that the Mendocino County Intertribal Repatriation Project will deem it a violation of the trust responsibility of the Secretary of the Interior owed to the California Indian tribes. If this project, the CHRIS database storage intranet CD-ROM storage system is allowed to proceed throughout the state of California. Mr. Seidel's plans are a sacrilege and they must be stopped. I am here to introduce into the record a letter of the Redding Rancheria signed by their tribal chairman Leon Benner in which they too object to the CHRIS intranet CD-ROM aspect of data storage for Indian archeological sites in California. I also have a letter from the Pechanga Band of the Luiseno Mission Indians in which they too object to the CHRIS CD-ROM internet storage system of data. And madam chair I would like to present that too to your clerk at this time. Now what we have is, there have not been any statewide hearings on this matter. This is the first hearing, though it is convened to look at an information center in this region, it is the first hearing where Indian nations, tribal chairs have been introduced to Mr. Seidel regarding this project. And it was very cursory, he didn't have much time to talk at any great depth about his proposed program. We want to once again request, as we have been requesting for over a year, that there be government to government consultations initiated with Indian tribal governments pertaining to the development of the CHRIS

Internet CD-ROM system. We believe that to not do so, and to this date having not done so, is a violation of law. We are hear to try and work in partnership and try to talk out our concerns. To the extent possible we would like a presentation throughout the state, hearings set throughout the state, where Mr. Seidel can put forward, and not change it every time, can put forward a proposal that states the scope and compass of this project, and what state and federal agencies he anticipates drawing into the fold of his database. I know Sonja Timas of the National Forest Service, an advocate of government to government consultations, has said that her database will in no way be placed into the electronic system. So there are even other agencies that are not feeling it a safe system at this point in time. So I speak to you once again for nine tribes of Mendocino County, they have asked me to read their particular resolution into the record where it is as follows. Thank you very much for your time.

Sue Schechter: We do have copies that you have duplicated for us that will be part of the testimony. Now my understanding is that there are other speakers who wish to testify at this time. If any of the rest of you, or any of you that came later this morning, please be sure that you sign in, and be aware that there are some materials. And if you do wish to speak we do plan on adjourning at two or before so... Or if you have any questions that you would like to ask Mr. Seidel or Leigh Jordan or Dr. Gates we certainly would encourage you to be able to do that.

Yurok Tribe -

Glenn Moore: I am Glenn Moore, Yurok Tribe, Chairman of the Yurok Cultural Committee. I recently went to San Diego to attend a funeral for a friend of mine and he was engaged in an organization that stopped determination(?) that was a big issue statewide, national, and I think now we've got another battle coming up. It is a sovereignty issue. I begin to feel like at one time I saw a picture, a couple of pictures, and a young warrior who was sitting on a horse that was full of life. He had bow and arrows and then there was another picture where the same man, he was an old man, and his horse was skin and bones and head hanging down. His head was hanging down and he had a buzzard sitting up in a tree. I kind of feel like I am getting pretty close to the end of the battles that we fought to, our lifetime of Indian nations. I live in Hoopa for fifty-two years. My wife, we got married right after World War II, and I raised a family there. I was also a contract logger for many years. Most of the time I worked with the BIA that did lots of different kind of work on the reservation. And kept me kind of disgusted with them is they never paid any attention to their culture. I destroyed a lot of cultural sites myself, one in particular that I really feel bad about. It is the place where they used to pick hazel sticks for baskets. And they just told me to go brushrake it, I went and did. Afterward I found out that is where there is a very old place where they picked hazel sticks for years and years. So when the Yurok tribe organized, I was selected chairman of the Constitution Committee. And that was one of the terms I had was the cultural issue. I didn't want our tribe to make the same mistake that Hoopa tribe was doing. One of the questionnaire we sent out was how we are going to treat our cultural issues as important. And it came back that all the tribal, all were in agreement to take the issue seriously. So I could remember the places where we had a very sacred places, that were destroyed, not by me, but other loggers before. Our people used a tree as a place for their ceremonies, where they wind up their last deerskin wrap which is one of our most sacred ceremonies. A nice beautiful place, they always picked out a nice beautiful place, beautiful setting, trees, lots of shade, spring, good water. Well

that was also the kind of a place where a logger would like to put their landing. Because they don't go put a landing out there someplace with a steep side. Of course it was a lot cheaper to just find a nice flat place to put a landing.

It became a lab, a drug lab. So, I also felt pretty strongly about our culture. I felt a strong, like other tribes felt. Unfortunately throughout California, California Indians were on the run for their lives, they moved from place to place. Where they live now, for most of them, is not their ancestral land. The Yurok people, that is why they have such a strong feeling about their land. Because our ancestral land is our ancestral land, that is where we lived and (plowed?) for years. I still have a place on the Klamath River where my great-great grandfather settled down, built a house. So I feel bad, not bad, but I am damn mad about other people coming to our area and telling us what we should do here. I strongly believe that I would never go to another tribe and try to tell them what they should do, especially in regards to cultural. We had something like a half a dozen tribes that were lined up to go with this, and now we only have three. Small tribes are going to have a very difficult time with this. We were offering a hand to them, to give them a hand in doing the same things that we wish to do. Tom Gates was our first professional person that we hired for cultural issues. He became our Historic Preservation Officer, he has a number of different handles. One thing he has done, he does not have a lot of knowledge in the complicated part of these issues. But he trained us. He spent a lot of hours explaining to us what we are getting into. We didn't like this when we first heard about it. But after we, after he explained, he always explained both the down side and the up side so it was up to us to make up our minds about it. And we made up our minds that this is what we want to do. Surely there is some electronic stuff that is complicated, but I think we can deal with that. I don't go around to other tribes and tell them, you better not do this and you better not do that. I don't think that any other tribes should come here to tell us how we should deal with these issues. I sure am happy to see you folks come here and hope to see again some day.

Susan Masten: I am Susan Masten and I am the chairperson for the Yurok Tribe. I am hoping that what I can do here is to clarify some things. I don't think that you are hearing that people aren't specifically supporting the Yurok proposal. Unfortunately what I hear is occurring is the mixture between what the state policy is for dealing with information, is what they have problems with. And that is with the intranet. And having an opportunity for hackers to gain access. Because as you know throughout time we have had problems with people digging up our areas, either our dance grounds or our ceremonial grounds or our village sites or our grave sites. And it has been something that we have been plagued with since the beginning of time. The Yurok Tribe has always been, and continues to be, extremely concerned about our culture and our heritage and our traditions. You will see it interwoven throughout our Constitution. And we as council representatives have mandates that we very clearly adhere to and that is to always consider those cultural values. Our commitment to that is quite evident in our cultural department. And with us having cultural committees that are comprised of elders throughout the districts that are represented at the council table. So you have elders, two of them and sometimes three of them, from each of the districts that we serve within the reservation and within our aboriginal territory. So not only do we have that but we have a NAGPRA committee and we have a language committee. So we are totally committed to the protection of our culture. I guess what I hate to see is that tribal leaders coming forward looking out for their cultural tradition, with their concerns about what is occurring on a state level, being

confused with what is the Yurok proposal. And I think that is an unfortunate. But the concerns are, that we don't also fall into the same things that you are doing on a state level. So I hope that you as a commissioner sitting here are able to separate, what are those concerns from the leadership. Because they are very real. And the number one is consultation. Whenever you come into anything that is going to infringe upon our ability to govern over our people and protection of our heritage, you are going to find that we are going to ____ our resources, that we are going to be very adamant about that relationship and that consultation process. So you will see that if people aren't satisfied at a state level then they will go to a national level for answers. So I hope that you as commissioners take a close look at, and have the wisdom and the foresight to separate the issues that are being spoken to here today. I don't know that you have heard a lot of, specifically that we oppose the Yurok tribe, as that we oppose the components, and that is the intranet. Because of the possibility of hacking. Because there have always been people who look to do that, so you can guarantee that they will find a way. Those same individuals that dug up our graves throughout history are going to find a way to access and hack into your system. So it is a real concern of people, and I do hope that you hear that. And that you separate those issues. The other thing is I also heard that the proposal changed. Well our proposal didn't change, but you asked for summaries, and you have asked for two different summaries. So what we did is try to meet your requirements by providing those summaries. So then it appears to other people that there is a change in our proposal. There is not a change in the fundamental principles of our proposal, its our trying to meet your request. So I hope that as you are looking at this that you can clearly separate all of this. We are always concerned and try to be active and we are concerned, that is why we are looking to get an information center. And we will look for ways to enter into MOUs with the tribes that participate with the center. And to truly address their concerns, because that is our intent. We would not think to do anything else, because we know what that is like to have someone else managing affairs and not including us in the decision making process. As will we define our MOU with you in the process for how we deal with those same things, and have done with our THPO office. So I guess that is all I really wanted to say today. Because I was getting the impression, and we are in council session so, and we have some very serious issues we are dealing with, so I took some time out to run over here from that simply because I heard, and I did meet with some representatives from the Ukiah area this morning, to clarify what exactly are their concerns and to be assured that it wasn't in opposition to the Yurok proposal. So we have sat down this morning and I am sure that she articulated that they clearly are not hear to oppose the Yurok proposal, but are here to express concerns with the inner components. I didn't get a chance to hear the other tribal leaders but I would assume that their concerns are also the same and that is not so much the Yurok proposal. Because we will and I am guaranteeing that to you, we will reach out to those tribes to develop those MOUs that give them the comfort level and give us the comfort level to act as their information center. So I just want to thank you for the opportunity to address you, and thank you for coming to our area.

TESTIMONY - Other public comment - No presenters witin this category

CLOSING COMMENTS

Tom Gates: I think that I have said plenty and have had plenty of time in the introduction and in the response to the different comments. The only thing that I would like to underline and emphasize goes

back to my first point that I made before, and that was communication. That the Yurok tribe will, as we go forward with this proposal, will continue to offer to provide information on what we are doing, what our plans are. We will continue to offer to speak, to go to different tribal governments and to present what we understand our mission to be in this initiative. I just want to underscore that and say that again that the Yurok tribe is certainly willing to work with the other tribes and to communicate their intent.

Bill Seidel: Well, a couple of things. One, we are at the beginning of an era and this beginning is moving very, very quickly. If anyone doubts how quickly it is moving they can take a look at the stock market and see what in the world is going on with internet stock. It is one measure of the importance of electronic communication to our civilization. Things are changing, and the states position is changing, and where we are trying to go is changing. And it will continue to change. From one perspective, certainly Pauli's presentation was right. There is a moving ball. But she is still aiming at the ball that was moving a year ago. And she is not aiming at the ball that is moving now. I want to say very clearly that I heard almost universal concern about the potential of CDs and Native American archeological information on the internet. I said at the beginning that we follow the access procedures that were set up by the commission. We will continue to follow them. I will go further than that and say that we will not put anything of Native American concern on the internet without consultation of the concerned group. I guess my last point is that the effort on the part of the state to move this into electronic form is only for one purpose, and that is to preserve sites. It is to be able to provide to planners, and maybe not to Northwest coast planners, but certainly South Coast Planners, the information they need for them to make decisions in the medium of which they are making it. There is a nationwide effort named Aurora. It's not ours, we have nothing to do with it. The goal of Aurora is to set up what they call decision support systems. These are computer systems that take environmental data and make predictions about what will if things occur. For instance, if a land manager wants to close down a road to protect desert tortoise habitat, he can ask this computer system, and this is all science fiction right, accept it is almost here. If I close down this road what is going to happen to the desert tortoise habitat. The system would do an analysis and come back and say, if you close down this road this desert tortoise habitat here will increase but that will be offset by a huge decrease over here. That system is being developed now. The Department of Defense has put \$100,000 into the initial study of it for the Mojave. It is also the Everglades that are starting to do that, and there is one area in the center of the United States. This is happening. This is not happening because we want it, its not happening because the state wants it, its happening to give land use planners a better handle on how to plan, on the ramifications of their decisions. I feel personally that if cultural resources are not included in that system then they will not be taken into account by those people. I could be wrong. But that is my feeling. And certainly for the built environment, historic houses, that will certainly be the case. Again I guess from where I am standing the question isn't how can we stop this, the question is how can we make this work for us to preserve the sites, to preserve your values. That is really to me the germane question.

Russ Kaldenberg: I appreciate everyone's comments. I learned a lot today from all of the speakers from the audience, from the Yurok, and from the presentations that they have made. I think that there is an opportunity here today to do something that has not been done here before in California, that is to transfer and information center to a tribe, the tribe that has the first THPO in the state, and see if it works. See if the information center can do as good of a job if not a better job than the other information centers in California. I work for a big federal agency called the Bureau of Land Management. We don't have our own information system, we don't want to develop our own information system. We use CHRIS and we use it successfully to protect the resources that we are required by law to protect, and by the moral standards that our managers have. And we will continue to use it because that is the only system that we have, we do not want to create a new system. There is a system out there that works. We think it works.

There are lots of nuances with electronics that we will certainly consider. Access is extremely important and protection is important. And anything that we do and that I personally am involved in, we will have the highest level of protection possible. I was talking to someone out here at the break, my office doesn't even have a typewriter in it anymore. The typewriters are gone. We lost the contract for maintenance of them, they wore out. I think we have one in the directors office that we use to type envelopes every once in a while but they are gone. And the age of the horse and buggy for site records is going. New Mexico for example is all electronic. All of their sites, they electronified five years or so ago, so we are way behind the curve on that. Anyway I appreciate the testimony and the concerns and I will do my best to make sure that we examine all of the concerns that were talked about here today and see if we can find a way to fix them and to move forward and not stagnate. Thank you for coming.

Bob Hoover: Well, I'm not going to address the electronic data system because I know less about that than these other gentlemen. I'll let them deal with that. The idea of depending entirely on my computer without a typewriter scares me to death. But I would like to address the Yurok proposal. It seems to me that it provides an opportunity for Native Americans to cooperate with each other from different groups, as well as with the state, and for the first time manage their own resources, which they haven't done before. I guess its success depends on the good will and trust between the various groups. I wish you luck on that.

Sue Schechter: Again as I mentioned, my background has been in teaching, I guess my concept when I have heard about this is how great to become, to reach out and let people better understand one another. I certainly hear your concerns about guarding your sacred sites, your traditional cultural resources. My hope is that there is going to be a way to put everyone on an equal level playing field so that there is better understanding and the proper respect for these values that are so very important. Again I want to thank each of you for coming. And for giving of yourself and your testimony today.

Cecilia Silvas: Before you adjourn there is another speaker that put his name in here and you haven't heard him at all.

Sue Schechter: I'm sorry, I did not receive that. Thank you.

Ken Carmony: I'm Ken Carmony. I am just here as a Native American of California. If this shows to be a good project proposal for the Yuroks, is it going to be extended out into the Indian community of California? That tribes that are set up for a cultural resource base can participate in this statewide proposal.

Bill Seidel: CHRIS is an organic system. I would say that there is a real possibility. But I think that even more important, and almost whether or not the Yurok proposal, whatever the fate of the Yurok proposal is, we have started down a road where Native Americans will be more and more and more included in this system. Whether or not they become information centers, whether or not they are information centers in ten years. The individual tribal groups of California will become more and more in control of the record. And I say that, not because I want it, but because that is just the way it is going to happen.

Ken Carmony: Okay, I can see this happening. And actually it should have been done in the early seventies, or even the late sixties, with this informational base being set up. The tribes nowadays would have been more culturally aware than they are now. That is what the problem is, and that is what you guys are trying to get to through the informational banks. I work for the forest service and I know how the discs and stuff like that are all set up. And I am aware of what you are saying that there are no more typewriters and all that. But the thing of it is is that there are printers out there that go with those computers. And all you have to do is punch a couple of buttons, and boom bang and then hit print and you get it all printed out. That is how I do my work, when I go out to research a site. I go to the computer, it takes me two minutes to print out five pages of information, and then walk out with it. I know that the people that are supposed to be responsible for this in different departments, that you can walk into any

department. And especially with the government department, where they have access to civiculturists, timber, or whoever has a plan out there on the forest. And they just set the stuff down and lays it down right there. That is how a lot of stuff gets stolen and missing. In Lassen NF dug up once because of that, because some information was left out there. I could see this going to someone like them. I'm not promoting it or anything like that, but I can see where it might eliminate some of this government stuff. If you take the power away from them in the departments and let an Indian agency be involved and handle it from that point of view. I can see that. So I guess that there are a lot of things that need to be worked out, this is just in the beginning stages, and I am just trying to understand this. For my tribe, we are set up for a cultural base already, and that is what, if you guys are going to extend this program out, we definitely want to be a part of it. And we want to be just as important as the Yuroks are to the Indian community and California in general. So that is all I have to say.

ADJOURNMENT

Sue Schechter: Thank you very much for coming and testifying. We stand adjourned.

There being no further business, Chairperson Schechter adjourned the regular meeting of the State Historical Resources Commission at 2:15 p.m.

Respectfully submitted,

William Seidel
Coordinator,
California Historical Resources Information System

DATED: _____